IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE N.V. RAMANA**

**WRIT PETITION NO.21793 of 2004**

Between:

Syed Hasan Ali, S/o. Late Syed Hussain Saheb,
R/o. Banganapalle Town and Mandal, Kurnool District.

**..... PETITIONER**

AND

1 The District Collector, Kurnool.
2 The Mandal Revenue Officer, Banagapalle, Kurnool District.
3 The Mandal Parishad Development Officer, Banaganapalle, Kurnool

District.

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more one in the nature of WRIT OF MANDAMUS declaring the action of the respondents in acquiring the land belonging to the petitioner situated in Sy.NO. 148/1B of Bhanumukkala Village, Banaganapalle Grampanchayat and Mandal, Kurnool District for formation of Metal road for Bus Route from Banaganapalle to Tammadapalle Village as illegal, arbitrary and consequently direct the respondents to determine the compensation and pay the same with all statutory benefits for which the petitioner is entitled under the Land Acquisition Act forthwith.

**Counsel for the Petitioner: MR.M.SUBBA REDDY**

**Counsel for the Respondents: GP FOR REVENUE**

**The Court at the stage of admission made the following :**

ORDER:

The petitioner claims to be owner of land to an extent of Ac.2.75 cents and out of which an extent of Ac.1-05 cents was acquired by the respondents without initiating land acquisition proceedings and petitioner was not paid any compensation. It is stated in the affidavit filed in support of the writ petition that the second respondent has promised the petitioner that appropriate compensation would be paid later as per the market value and that believing the same the petitioner has given possession of the said land and the road in question was laid down. The petitioner is alleged to have made several requests to the authorities and also made a representation and finally got issued a legal notice dated 15-9-2003 to respondents 1 and 2 for payment of compensation. The complaint of the petitioner is that though several years lapsed and the road in question was also laid, the compensation is not yet paid to him. Hence, the present writ petition.

Heard the learned counsel for petitioner and learned Government Pleader for Revenue. Both counsel agreed for disposal of the writ petition at the stage of admission.

It is well settled that if private property of a citizen is acquired for any public purpose, he is entitled for appropriate compensation as per the market value. As such, if the land of the petitioner is acquired for the public purpose of laying a road, certainly he is entitled to receive compensation for parting with his property. The petitioner claims to have made several requests and also issued a legal notice to respondents 1 and 2 on 15-9-2003, however, the same were remained unanswered. It is to be noted that the respondents are under obligation to answer the same and

they cannot keep the matters pending.

In view of the above, the respondents are directed to reply to the legal notice of the petitioner dated 15-9-2003 and pass appropriate orders in accordance with law, on the claim of the petitioner for compensation, expeditiously, preferably within a period of three months from the date of receipt of copy of this order.

Subject to above, the writ petition is disposed of. No costs.

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N.V.RAMANA,J

29-11-2004

TVK

TO,

1 The District Collector, Kurnool.
2 The Mandal Revenue Officer, Banagapalle, Kurnool District.
3 The Mandal Parishad Development Officer, Banaganapalle, Kurnool

District.

4. Two CCS to GP for Revenue, High Court of AP, Hyderabad (OUT)

5. CD Copies to

**THE HON'BLE MR JUSTICE N.V. RAMANA**

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**WRIT PETITION NO.21793 of 2004**

Date: 29-11-2004